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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**DECLARATION OF MATTHEW D.
CANNON IN SUPPORT OF CISCO'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S
OPPOSITION TO ARISTA'S MOTION
TO COMPEL INTERROGATORY
RESPONSES**

DEMAND FOR JURY TRIAL

DECLARATION OF MATTHEW D. CANNON

I, Matthew D. Cannon, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. (“Cisco”). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Cisco’s Administrative Motion to File Under Seal Confidential Information in connection with Cisco’s Opposition to Arista’s Motion to Compel Interrogatory Responses (“Cisco’s Brief”).

3. Cisco’s Brief is non-dispositive. In this context, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (i.e., is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

4. Pursuant to Civil L.R. 79-5(e), good cause exists to seal the documents identified herein because the information sought has been directly designated by Defendant Arista Networks, Inc. (“Arista”) as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 53).

Document	Portions to Be Filed Under Seal
Cisco’s Opposition to Arista’s Motion to Compel Interrogatory Responses	As highlighted in the version filed herewith, portions of pages: 3-4, 16.
Exhibit 4 to the Declaration of Matthew D. Cannon in Support of Cisco’s Opposition to	Entire.

1	Arista's Motion to Compel	
2	Exhibit 5 to the Declaration of Matthew D. Cannon in Support of Cisco's Opposition to Arista's Motion to Compel	Entire.
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6	Exhibit 6 to the Declaration of Matthew D. Cannon in Support of Cisco's Opposition to Arista's Motion to Compel	Entire.
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10 5. Cisco's Brief contains quotations from documents produced by Arista. Those
11 documents are included as Exhibits 4-6 to the Declaration of Matthew D. Cannon in Support of
12 Cisco's Opposition to Arista's Motion to Compel Interrogatory Responses. Arista designated this
13 information as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the
14 Protective Order (Dkt. 53). Accordingly, Cisco has narrowly redacted only those portions of its
15 Brief containing information so designated by Cisco. Specifically, Cisco has redacted the
16 quotations from Arista's documents in Cisco's brief, and the documents themselves in the
17 accompanying declaration. Redacted and unredacted highlighted versions of Cisco's Brief are
18 attached hereto.

19 6. Cisco will serve a copy of this declaration on Arista the same day it is filed. Cisco
20 expects that Arista will file the required supporting declaration in accordance with Civil Local
21 Rule 79-5(e), as necessary, to confirm that the information contained in the above-referenced
22 documents should be sealed.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct, and that this declaration was executed in San Francisco, California,
3 on September 28, 2015.

4
5 /s/ Matthew D. Cannon

6 Matthew D. Cannon (Bar No. 252666)
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SIGNATURE ATTESTATION

Pursuant to Civ. L.R. 5-1(i)(3), the undersigned hereby attests under penalty of perjury that concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of registered ECF User Matthew D. Cannon (Bar No. 252666).

/s/ John M. Neukom
John M. Neukom (Bar No. 275887)